



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Health Care Finance and Policy
Two Boylston Street
Boston, MA 02116*

DEVAL L. PATRICK
Governor

617-988-3100 • Fax 617-727-7662 • TTY 617-988-3175
www.mass.gov/dhcfp

JUDYANN BIGBY, M.D.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

SARAH ISELIN
Commissioner

NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c.118G and in accordance with M.G.L. c. 30A, as amended, the Division of Health Care Finance and Policy ("Division") will hold a public hearing on Tuesday, July 28, 2009 at 10 A.M. at the Division, 2 Boylston Street, Boston, MA relative to proposed amendments to:

114.3 CMR 31.00: Prescribed Drugs

The proposed amendments, effective August 1, 2009, alter the Usual and Customary Charge to ensure that payment for MassHealth and worker's compensation do not exceed prices that a pharmacist has agreed to accept from any other payer. In addition, the amendment requires that Medicare prices be part of the Uniform and Customary Charge calculation for payment for blood clotting factors. Also, the amendments add language to the 340-B section that describes payment to 340-B providers of blood clotting factor as the cost of the factor plus \$.09 per unit. This language is currently contained in a special contract MassHealth has with these providers and folding this language into the regulations eliminates the need for the special agreement. Finally, these amendments expand the definition of the term "provider" to eliminate the need for a similar term "eligible provider".

The Division is proposing these amendments to ensure that these services and rates are consistent with efficiency, economy, and quality of care. It is estimated that MassHealth will save \$2.8 million due to the addition of the Medicare benchmark for blood clotting factor. While it is expected that additional savings will be realized by refining the definition of Usual and Customary, it is difficult to provide a more precise estimate of the fiscal impact.

Interested parties are encouraged to submit comments on these amendments. All persons desiring to be heard on this matter are hereby notified to appear at the designated time and place. Persons intending to speak will be afforded an early opportunity to testify if the Division receives notice by 5:00 pm on Monday, July 27, 2009. All others will be heard subsequently. Written comments may be sent to the Division at Two Boylston Street, 5th floor, Boston, MA 02116.

Copies of the regulation are available for inspection and/or purchase at the Division, Two Boylston Street, 5th floor, Boston, MA 02116 or you can access them free of charge in the Regulations section of the Division's web site located at www.mass.gov/dhcfp.